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**FAX FILING IN U.S. PATENT & TRADEMARK OFFICE**

DATE: January 24, 2006

TIME: \_\_\_\_\_

TO:	Mail Stop Amendment	FAX NO.:	571-273-8300
FROM:	Kenneth N. Nigon	ADMIN. ASST.:	P. Boccella
APPLN. NO.:	10/813,372	ATTY. DOCKET NO.:	MATG-395US
TITLE OF APPLN.: METHOD FOR MODIFYING EXISTING MICRO-AND NANO-STRUCTURES USING A NEAR-FIELD SCANNING OPTICAL MICROSCOPE			
FILING DATE:	March 30, 2004	ART UNIT:	2812
FIRST INVENTOR:	Ming Li	CONF. NO.:	4694
TITLE OF DOCUMENT (and List of Attachments): Transmittal; Fee Transmittal; Response to Restriction Requirement; PTO-2038			

Total Number of Pages: 39 (including this form)

COMMENTS

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PTO/SB/21 (09-01) (AW 10/2004)

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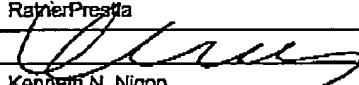
Total Number of Pages in This Submission 37

Application Number	10/813,372
Filing Date	March 30, 2004
First Named Inventor	Ming Li
Art Unit	2812
Examiner Name	Richard A. Booth
Attorney Docket No.	MATG-395US

## ENCLOSURES (Check all that apply)

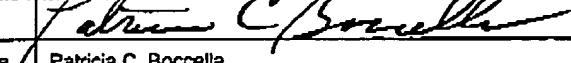
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below); Response to Restriction Requirement; PTO-2038; PTO-facsimile cover sheet
<u>Remarks:</u>		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	RatnerPrestia		
Signature			
Printed Name	Kenneth N. Nigon		
Date	January 24, 2006	Registration No.	31,549

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Signature	
Typed or Printed Name	Patricia C. Boccella
Date	January 24, 2006

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PTO/SB/17 (12-04-02) (AW 1/2005)

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**FEE TRANSMITTAL  
For FY 2005** Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 150.00)

Complete if Known	
Application Number	10/813,372
Filing Date	March 30, 2004
First Named Inventor	Ming Li et al.
Examiner Name	Richard A. Booth
Art Unit	2812
Attorney Docket No.	MATG-395US

**METHOD OF PAYMENT** (check all that apply) Check  Credit Card  Money Order  None  Other (please identify): Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
85	- 83 or HP = 3	x 50 = 150			
HP = highest number of total claims paid for, if greater than 20					

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 3 or HP =					

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
100 =		/ 50 = (round up to a whole number)	x	=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

Complete if applicable				
Signature	<i>Ken N. Nixon</i>	Registration No. Attorney/Agent	31,549	Telephone 610-407-0700
Name (Print/Type)	Ken N. Nixon		Date	January 24, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JAN 24 2006

PTO/SB/17 (12-07-02) (AW 1/2005)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/09/04.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 150.00)

**Complete if Known**

Application Number 10/813,372

Filing Date March 30, 2004

First Named Inventor Ming Li et al.

Examiner Name Richard A. Booth

Art Unit 2812

Attorney Docket No. MATG-S85US

**METHOD OF PAYMENT** (check all that apply)

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 Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

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<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

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**FEE CALCULATION**
**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**
**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
88	- 83 or HP = 3	x 50	= 150		
HP = Highest number of total claims paid for, if greater than 20					

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = Highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

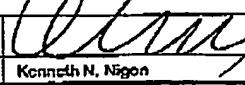
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number)	x	=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

Complete if applicable				
Signature		Registration No. Attorney/Agent	31,549	Telephone 810-407-0700
Name (Print/Type)	Kenneth N. Nigon		Date	January 24, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appn. No.: 10/813,372  
Amendment Dated January 24, 2006  
Reply to Office Action of December 27, 2005

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MATG-395US

JAN 24 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. No: 10/813,372  
Applicant: Ming Li et al.  
Filed: March 30, 2004  
Title: METHOD FOR MODIFYING EXISTING MICRO- AND NANO-  
STRUCTURES USING A NEAR-FIELD SCANNING OPTICAL MICROSCOPE  
TC/A.U.: 2812  
Examiner: Richard A. Booth  
Confirmation No.: 4694  
Docket No.: MATG-395US

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

This is in response to the Restriction Requirement stated in the Office Letter dated **December 27, 2006**.

The Examiner objects to the number of different devices that can be made using this technique as described in claims 20, 44 and 64. These devices are: 1) a microstructure mold, 2) a quantum cellular automaton, 3) a coupled quantum dot device, 4) a resonant tunneling device, 5) a multifunction optical array, 6) a diffractive optical element, 7) a beam shaper, 8) a microlens array, 9) an optical diffuser, 10) a beam splitter, 11) a laser diode corrector, 12) a fine pitch grating, 13) a photonic crystal, 14) a micro-electrical-mechanical system, 15) micro-circuitry, 16) a polymerase chain reaction microsystem, 17) a biochip for detection of hazardous chemical and biological agents, 18) a high-throughput drug screening and selection microsystem, 19) a micro-surface-acoustic-wave device, and 20) a micro-mechanical oscillator. The examiner would like us to limit each of these claims to a single device.

Applicants elect to prosecute the micro-electrical-mechanical system. To implement this election, Applicants withdraw claims 20, 44 and 64 from consideration and add new claims 84, 85 and 86 which correspond to claims 20, 44 and 64 but recite only the micro-electrical-mechanical system.

The claims are amended as follows:

01/25/2006 CNGUYEN2 00000019 10813372

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1 of 34

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